United Nations A/HRC/36/14

General Assembly

Distr.: General
18 July 2017

Original: English

Human Rights Council
Thirty-sixth session
11-29 September 2017
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Poland

* The annex is being issued without formal editing, in the language of submission only.

GE.17-12108(E)
1712108

Please recycle

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-seventh session from 1 to 12 May 2017. The review of Poland was held at the 13th meeting, on 9 May 2017. The delegation of Poland was headed by the Under-Secretary of State and Ministry of Foreign Affairs, Renata Szczech. At its 17th meeting, held on 11 May 2017, the Working Group adopted the report on Poland.

2. On 13 February 2017, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Poland: Hungary, India and Venezuela (Bolivarian Republic of).

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Poland:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/27/POL/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/27/POL/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/27/POL/3).

4. A list of questions prepared in advance by Belgium, Czechia, Germany, Mexico, the Netherlands, Norway, Sweden, Slovenia, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America was transmitted to Poland through the troika. These questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Poland, a candidate for the 2020-2022 term of the Human Rights Council, considered human rights to be an issue of utmost importance. Since 2001, Poland had cooperated fully with all special procedures and continued to extend to them a standing invitation to visit Poland at their convenience.

6. The national report of Poland had been drafted by the Ministry of Foreign Affairs on the basis of contributions from various governmental agencies responsible for fulfilling human rights-related obligations domestically. In drafting the report, Poland had strived to make the entire process as transparent as possible, duly notifying members of parliament of its course and organizing an information meeting with representatives of non-governmental organizations (NGOs) to listen to any comments and concerns. Contributions had also been received from the Ombudsman (Human Rights Commissioner) and the Ombudsman for Children.

7. Since the previous review, in 2012, Poland had signed and ratified a number of international conventions.

8. Poland was particularly concerned with protecting children's rights. In 2015, major amendments had been made to the Polish Family and Guardianship Code, elevating the protection of children. Those changes had served to eliminate automatic decisions that limit the custody rights of a parent during divorce or separation, and replace them with the child's guaranteed right to both parents. As such, decisions to restrict parental custody rights were taken only in extreme circumstances.

9. The "Family 500+" programme had been introduced in 2016 to improve children's living conditions, in particular those who were most deprived, and to provide for the disbursement of parental monthly benefits of approximately 500 zlotys (approximately $125) for the second and each consecutive child in the family, household income notwithstanding, and for the first child for families with a household income below a certain threshold. The programme, which delivered funds to 3.8 million children in 2.56 million families, had lowered the relative poverty threat index by 4 per cent and the overall poverty threat in the community of children under 17 by 50 per cent.

10. Poland considered protecting vulnerable groups, persons with disabilities, to be of particular importance, hence why the Council of Ministers had adopted a resolution in December 2016 concerning the so-called "For Life" programme of comprehensive support for families. The programme assisted families that included persons with disabilities, especially parents raising children with disabilities. It included solutions for assisting pregnant women and their families, early assistance for children and their families and support, rehabilitation and residential aid. Work was in progress to draft a strategy for disabled persons for the period 2017-2030, to provide comprehensive support to such persons at every stage of life.

11. Poland had successfully implemented a number of recommendations submitted during the 2012 review cycle.

12. The Under-Secretary of State thanked all the States that had submitted advance questions and responded to some of them.

13. In response to the questions raised by Mexico and the United Kingdom on securing women's rights, she stated that, between 2013 and 2016, Poland had implemented the National Programme of Activities for Equal Treatment. This was a comprehensive governmental strategy comprising action to support persons who had been discriminated against or threatened with discrimination. Many initiatives within the Programme aimed to improve the well-being of women and tackle the problems they faced. A decision had already been made to continue the Programme in the years to come. The new edition was expected to be finalized in the fourth quarter of 2017.

14. Concerning the question by Sweden on criminalizing hate speech related to gender identity, sexual orientation or disability, it was reported that courts in Poland took into account the perpetrator's motivation when determining the type and level of penalty. Pursuant to article 53 (2) of the Criminal Code, this included gender identity, sexual orientation and disabilities.

15. Article 53 applied to all acts criminalized under the Code, such as causing bodily harm or defamation. The provision in question was of a general nature and did not limit the type of motivation that had to be taken into account by the courts. Article 212 included provisions that criminalized the slander of a person or a group of persons in relation to conduct or traits that might discredit him/her/them in the face of public opinion, or result in a loss of confidence necessary to engage in certain activities. Those provisions also applied to slander on the grounds of gender identity, sexual orientation and disabilities.

16. Regarding the so-called secret prisons of the United States Central Intelligence Agency, numerous requests for international legal assistance had been filed and plenipotentiaries of victims had been provided with access to case files, although the status of part of the ongoing investigation was classified. The plenipotentiaries participated in selected proceedings and exercised the rights of the victims. In addition, the Polish authorities were actively seeking to obtain appropriate diplomatic assurances from the United States authorities for the applicants.

17. In response to the question by Switzerland concerning media freedom, the National Media Council Law of 22 June 2016 had appointed the National Media Council as an authority responsible for supervising public media activities. The Law altered the form of managing public media, excluding any government influence over the media or their activities. Under the Law, the management boards and supervisory councils of all public radio and television companies and of the Polish Press Agency were to be appointed by the National Media Council. The Council comprised five members: three appointed by the

Sejm (lower house of parliament) and two by the President from among candidates proposed by the opposition. Since initiating its activities, the Council had held open and transparent competitions to select presidents of polish television and radio.

18. The United States raised a question on the criminalization of the use of the phrase "Polish death camps" and the passing of a law for the restitution of private property to individuals. On the criminalization of the phrase, the text of the proposed law included that the illicit act should not be considered a crime if committed within the expression of artistic or scientific activity. Freedom of research and artistic activity was thus explicitly protected under the proposed law. Moreover, criminalization would apply only to claims that were strictly "contrary to historical facts".

19. Similar provisions already existed under the same law, providing for the criminalization of the denial of Nazi German crimes. In that case, freedom of expression was already constricted to a certain extent, for the sake of combating Holocaust denial. That would be extended to encompass ascribing responsibility for the Nazi German crimes to the Polish nation or State. However, the amendments were still proposals and not yet law, and as such might be subject to change.

20. Despite no existing specific law on the subject, the restitution of private property had been under way in Poland for over two decades. The existing legal system in Poland made it clear that any legal or natural person or their heir was entitled to recover pre-war property that had been seized unlawfully by either the Nazi German or the Soviet occupation authorities or by the post-war communist regime. Claimants might proceed through court and administrative procedures. The Polish legal system contained ample provisions that enabled owners or their heirs to claim such property. The relevant legal acts included the Civil Code, the Code of Administrative Procedure and the Law on the Management of Property.

21. According to court or administrative procedures, damages could be paid out of the reprivatization fund administered by the Ministry of Development. From the date it was set up in 2001 until October 2016, the Fund had paid out damages totalling 2.3 billion zlotys to 4,792 natural and 77 legal persons. That sum included damages paid to persons claiming enterprises to which property had not been returned in kind.

22. The delegation of Poland looked forward to a fruitful dialogue with all and would listen to their comments and recommendations and try to respond to all of them.

II. Interactive dialogue and responses by the State under review

23. During the interactive dialogue, 72 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

24. Serbia encouraged Poland to continue to advance the human rights infrastructure and devote particular attention to strengthening independent and oversight institutions. It noted that fighting all forms of slavery remained a challenge.

25. Sierra Leone commended Poland for updating its national legislation on the rights of migrants and human trafficking and encouraged it to address the rights of Roma peoples and asylum seekers.

26. Latvia noted the concerns regarding the lack of adequate protection mechanisms for victims of domestic violence. It asked about measures envisaged to ensure independent broadcasting of the public television and radio services.

27. South Africa welcomed legislation towards a total ban on corporal punishment and the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on communications procedure.

28. Spain commended the ratification of the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). It encouraged Poland to continue to ratify international human rights treaties.

29. Sri Lanka encouraged Poland to establish a multi-stakeholder institution against discrimination. It requested Poland to share experiences and challenges in increasing conviction rates on human trafficking cases.

30. The State of Palestine welcomed the steps taken with regard to business and human rights, including the work on a draft national plan to implement the Guiding Principles on Business and Human Rights.

31. Sweden recognized the decrease in poverty levels due to a new child benefit programme to reduce poverty among children and their families, together with increased minimum salaries, and a programme to promote affordable housing.

32. Switzerland noted with satisfaction of the ratification of several instruments and the introduction of measures aiming at financially supporting families with children, hence contributing to reducing poverty.

33. Timor-Leste commended the actions of Poland towards including civil society in the review process, in particular the appointment of the Government Plenipotentiary for Civic Society and amendments to the Criminal Code to define and penalize human trafficking.

34. Turkey welcomed the efforts undertaken through humanitarian aid programmes for refugees and inquired about measures to remedy the situation of children belonging to religious minorities not being offered classes in their own religion.

35. Ukraine commended the priorities outlined in the national report of Poland, in particular those related to combating racial discrimination and xenophobia at various levels of the Government and society.

36. The United Kingdom acknowledged the efforts by Poland in the areas of women's rights, modern slavery, violence against children, access to justice, police misconduct and rights of persons with disabilities.

37. The United States remained deeply concerned about judicial independence. It urged Poland to respect fully the principles of judicial independence, checks and balances and the separation of powers between branches of government.

38. Uruguay encouraged Poland to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, including recognition of its Committee. It welcomed measures to combat violence against women and the reporting record of Poland to treaty bodies.

39. Albania commended the continuing commitment aiming to put in place an effective cooperation mechanism within the public administration with respect to the principle of equal treatment.

40. Algeria congratulated Poland for the progress made, including in the context of the National Action Programme for Equal Treatment and in enhancing the rights of persons with disabilities.

41. Andorra welcomed the signature of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the measures taken by the Ombudsman for the Rights of the Child to promote and protect children's rights.

42. Angola noted the ratification of human rights instruments and congratulated Poland on its efforts to respect the rights of women through the implementation of the National Action Programme for Equal Treatment.

43. Argentina congratulated Poland for the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and took note of the part of the national report devoted to the fight against racism.

44. Armenia commended the steps taken to combat hate crime and incitement to hatred, in particular defining liability for incitement or public glorification of extermination of a national, ethnic, racial and religious group.

45. Australia was concerned that women in Poland faced difficulties in gaining access to safe and legal abortion. It was also concerned about rising hate speech and hate crimes, including incidents against immigrants.

46. Austria commended the ratification by Poland of the Istanbul Convention but remained concerned about the lack of effective legislation against discrimination and hate crimes.

47. Bangladesh appreciated initiatives to combat discrimination against women and the sexual exploitation of children and to enhance women's participation in political and public life, and commended institutional changes in relation to the equality of treatment.

48. Belarus appreciated the improvement of the methodology to identify the victims of human trafficking but shared the concern of UNHCR regarding a sharp increase in xenophobic and discriminatory attitudes towards asylum seekers.

49. Belgium acknowledged the positive measures taken to implement previous recommendations, while noting a room for progress. It mentioned concerns raised within the International Holocaust Remembrance Alliance regarding a draft law concerning the memory of the Holocaust.

50. Bosnia and Herzegovina noted the activities regarding children's rights, including the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

51. Botswana appreciated the ratification by Poland of several international conventions but was concerned about the continued prevalence of racial discrimination targeting persons of African, Arab or Asian descent, including refugees and asylum seekers.

52. Brazil was concerned about the counter-terrorism law that might affect the right to privacy. It welcomed the efforts towards poverty reduction among children and inquired about re-establishment of an institution to prevent racial discrimination and xenophobia.

53. The delegation of Poland emphasized that Polish law observed the separation of powers and the independence of the judiciary. The National Judicial Council was not part of the judiciary and did not deal with individual cases. Furthermore, it was not a disciplinary body and did not decide on any accountability or sanctions against judges. It was a body that proposed to the President the candidates for judges. The draft law on the National Council of Judiciary did not change the power of the Council.

54. Regarding children, the Ombudsman for Children's Rights was a constitutional body; a unique act of parliament had been passed on the treatment of children; criminal penalties were not applied to them; family courts could only adopt measures to influence their behaviour; and in 2012 Poland had amended the Family and Guardianship Code to prohibit corporal punishment within the family.

55. Freedom of expression was guaranteed in the Constitution, and the European Court of Human Rights had not identified violations of freedom of expression as systemic problems in Poland. The Government relied on a 2006 judgment of the Constitutional Tribunal that had invoked, inter alia, article 17 of the International Covenant on Civil and Political Rights and had stated that the criminal accountability for defamation was an indispensable measure for the protection of the honour and good name of other people.

56. The Government had taken extensive steps to reduce the length of court proceedings, including by introducing a "managerial manner" that included training judges, reforming court procedures and passing an act on complaints against undue delays of court proceedings.

57. Concerning the legal protection granted to vulnerable groups, such as lesbian, gay, bisexual, transgender and intersex persons and persons with disabilities, anti-discrimination provisions should be considered as a system. Relevant provisions in the Civil Code guaranteed broad protection of personal goods. Provisions to protect such groups were contained in the Criminal Code and other regulations, as well as in the Act implementing certain European Union legislation on equal treatment.

58. Concerning the development of civil society, the establishment of the office of the Government Plenipotentiary for Civic Society was in progress. There were a number of civic dialogue channels at the national, regional and local levels.

59. The Ministry of the Interior and Administration collected data on hate crimes cases against lesbian, gay, bisexual and transgender persons. In 2015, a new system had been introduced to record all hate crime investigations led by the police, including the investigations of crimes motivated by sexual orientation or gender identity. As for anti-Muslim and anti-Semitic hate speech, the Government condemned all such incidents. All cases of hate speech constituting a crime were subjected to criminal liability according to the Criminal Code and subjected to the criminal proceedings.

60. According to the Constitution and family law, including the regulation on recording marital relationships, civil partnerships, including same-sex relationships, could not be registered.

61. Every foreigner who wanted to enter Poland without fulfilling the necessary conditions was subject to an individual assessment in terms of his or her reasons for entering and non-refoulement. Every asylum seeker could therefore apply for international protection.

62. Regarding protection of the right to privacy in the context of secret surveillance and antiterrorist legislation, the Police Act — adopted in compliance with the judgment of the Constitutional Tribunal — had improved procedural standards for conducting secret surveillance and had introduced a new control mechanism for data retention, whereby supervision was conducted by independent courts. As for the Anti-Terrorism Act, the right to privacy was guaranteed under the supervision of the Prosecutor General and, to a certain extent, by independent courts.

63. Concerning accessibility to abortions, the Act on Family Planning, Protection of the Human Foetus and Conditions of Admissibility of Abortion set specifically conditions under which abortion was possible and the time frame. Individuals covered by social security were eligible for free abortion treatment in medical establishments listed as providing guaranteed services. The Act on the Rights of Patients and the Commissioner for Patients' Rights protected the rights of women who had been refused an abortion under the circumstances laid down in the Act to raise objections to the decision of a doctor. Contraceptives were available, some of which were reimbursed by the State. A clause in the Act on the Professions of Doctor and Dentist allowed a doctor to refrain from providing certain health-care services for reasons of conscience. However, that did not affect the patient's right to obtain such health-care services.

64. In total, 777 institutions and 612 call centres provided assistance to the victims of domestic violence. Domestic violence policies had been implemented through a programme covering the period 2014-2020.

65. Poland had been working on strategies for persons with disabilities, covering all areas of the Convention on the Rights of Persons with Disabilities, with an emphasis on health, education, accessibility and employment.

66. Concerning the situation of women in the labour market, there was equality of treatment in line with European Union standards. The gender pay gap in Poland was among the lowest in the European Union and was being further reduced.

67. Poland had chosen to merge the functions of the Prosecutor General and the Minister of Justice in conformity with the acceptable international standards. Furthermore, despite the merge, the 2016 Law on Prosecution had provided explicitly for the independence of the prosecution services.

68. There were no obstacles preventing the Constitutional Tribunal from carrying out its duties. The acts that had been adopted and initiated by Parliament at the end of 2016 were in line with European standards for the functioning of a constitutional court. Those laws regulated matters relating to the system and functioning of the Constitutional Tribunal, taking into account a number of recommendations issued by the European Commission for Democracy through Law (the Venice Commission).

69. Bulgaria appreciated that further work was under consideration to enhance mass media plurality and broaden access to different forms of media, to strengthen freedom of expression and freedom of the media as key principles in the Constitution.

70. Canada urged Poland to take further measures to enhance the scope of protection of lesbian, gay, bisexual, transgender and intersex persons and to prevent acts of discrimination.

71. Chile welcomed measures, including legislative reforms, to combat gender violence, but was concerned about the implementation of the reforms to the Constitutional Court and the increase in xenophobia, racism and discrimination.

72. China noted that some children in rural areas did not have equal access to high-quality education and that Poland still faced challenges in guaranteeing the rights of women and national minorities.

73. Côte d'Ivoire urged Poland to strengthen further its legal framework to ensure the full enjoyment of human rights in the country, notably for minorities, migrants and asylum seekers.

74. Croatia commended the improvement of criminal legislation as regards sexual offences and the protection of child victims. It welcomed the appointment of the equal treatment coordinators and the adoption of the Programme of Roma Integration.

75. Cyprus welcomed the measures taken to enhance the protection of the rights of minority groups and encouraged Poland to continue its efforts to eliminate domestic violence and combat racism, xenophobia and hate crimes.

76. Czechia welcomed the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and the signature of two other international human rights instruments.

77. Denmark attached importance to the successful completion of the dialogue between Poland and the European Commission within the rule of law procedures and the concerns raised by the Venice Commission and the Council of Europe on the rule of law.

78. Egypt commended Poland for the legislative amendments it had made to fight violence against women, the reduction in the wage gap between men and women and the efforts to protect and support women.

79. Estonia encouraged Poland to continue its work to eliminate the use of corporal punishment in various places, consider further actions to prevent and eliminate violence against women and ensure favourable legislation towards women's rights.

80. Finland encouraged Poland to take steps towards making positive progress regarding combating discrimination and ensuring full participation of civil society and to strengthen the rights of all individuals, including minorities.

81. France welcomed the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and of the Istanbul Convention.

82. Georgia appreciated the ratification of various international treaties and measures to improve prison conditions. It welcomed the submission of a midterm implementation report and encouraged Poland to continue that practice.

83. Germany welcomed the accession by Poland to several international human rights instruments, but remained concerned about controversial legislation regarding the judicial system and the media.

84. Greece welcomed, inter alia, the appointment of equal treatment coordinators in each ministry and in the Prime Minister's Chancellery, and the establishment of a national prevention system against torture.

85. Guatemala was concerned about reports of the lack of consistency in the actions of the border police and lack of mechanisms to identify vulnerable persons.

86. Haiti welcomed the success of the policies and programmes of Poland regarding improving women's rights, reducing poverty levels, the ratification of the Convention on the Rights of Persons with Disabilities and combating human trafficking.

87. The Holy See noted the initiatives to reduce the wage gap between men and women, enhance the protection of women and provide assistance to children for their equitable access to quality health care and education.

88. Honduras welcomed legislative measures to protect human rights and efforts to allocate the necessary funds to OHCHR. It noted, however, that Poland should continue to harmonize the legal framework with the international treaties.

89. Hungary welcomed the new laws relating to citizenship adopted to reduce statelessness and took positive note of the measures taken to promote the protection of the Roma community.

90. Iceland regretted that lesbian, gay, bisexual, transgender and intersex persons were still not sufficiently protected under national law and was concerned about the difficulties women faced in gaining access to safe abortions and the related law before Parliament.

91. Indonesia welcomed the implementation of the National Action Programme for Equal Treatment and the adoption of the new National Action Plan to Combat Human Trafficking and the new Foreigners Act.

92. The delegation of Poland indicated that the National Action Plan against Human Trafficking 2016-2018 had provided a series of activities to improve the identification of victims of human trafficking. Poland also had a system of social assistance, support and care for victims of human trafficking. The 2007 amendment to the Act on Social Assistance had expanded the group of beneficiaries to third-country nationals who legalized their stay in Poland by the fact of having been granted the status of victim of trafficking in human beings.

93. Children of migrants in an irregular situation and children of asylum seekers had access to education, both in open and closed centres. While it emphasized alternatives to detention, Poland did its best to improve the conditions in detention centres using European funds. For example, bars from all the windows of such centres were being taken away so that they would not have the appearance of a prison. For the integration of asylum seekers, Polish language lessons and lessons on the Polish culture were provided.

94. Support for families in difficulties was provided through the system of measures to help them re-establish their ability to take care of their child. It was governed by the 2011 Act on Support for Family and Alternative Care. There was a range of services provided in cash to support family income. Through the "Family 500+" programme, the rate of extreme poverty of children had fallen from 12 to 0.7 per cent and relative poverty had fallen from 28 to 10 per cent. A programme had been introduced to support families with persons with disabilities, in particular children with disabilities.

95. Under Polish law, every incident of rape was punishable. Criminal responsibility was triggered irrespective of any relationship between the perpetrator and the victim. The relevant provisions of the Criminal Code applied with no exception to marital rapes. The gender of the victim or the perpetrator had no bearing on the criminal responsibility and in prosecuting those who were guilty of the crimes.

96. The Ministry of Justice was analysing the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and incorporating the definition of torture into domestic criminal law. Furthermore, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was part of the Polish legal system. Therefore, although there was no definition of torture in Polish law, all acts that fell under the Convention were criminalized.

97. The National Programme of Action for Equal Treatment 2013-2016 was being evaluated, and there were plans to develop a new one. The Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance had been dissolved in 2016, but the obligation to prevent and fight against racism, discrimination and xenophobia rested with other public bodies.

98. Concerning education on human sexuality, according to the Act on Family Planning, Protection of the Human Foetus and Conditions of Admissibility of Abortion, the principles of responsible parenthood, value of family, life in the prenatal phase and the methods and means of conscious procreation were addressed primarily in the school subject "education for family life". Those issues were also included in other school subjects, such as nature, biology and physical education.

99. The Islamic Republic of Iran expressed concerns about discrimination and difficulties faced by Roma in different sectors, such as employment and education, and hate speech on the Internet against the Muslim community.

100. Iraq commended the appointment of equal treatment coordinators in each ministry and in the Prime Minister's Chancellery, and of the Government Plenipotentiary for Civic Society.

101. Ireland was pleased to note that Polish law prohibited discrimination in political, social and economic life and that the Labour Code prohibited any discrimination in employment, including on grounds of sexual orientation.

102. Israel noted the contribution of the National Action Programme for Equal Treatment and the work of the special Government Plenipotentiary to fight against hate crimes.

103. Italy commended Poland for its actions to, inter alia, prevent torture, improve pretrial detention and conditions in prisons, promote children's rights and equal treatment and prevent domestic violence.

104. Kyrgyzstan welcomed the policy to promote and protect the rights of women and children, but regretted the abolition of the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance.

105. Slovenia expressed its concern regarding the weak response in combating discrimination and violence on grounds of the sexual orientation and gender identity and encouraged Poland to broaden the anti-discrimination legislation.

106. Libya commended the adoption of the National Action Plan against Human Trafficking, continuous efforts to eliminate hate crimes and incitement to hatred and improvement of the situation of persons with disabilities.

107. Mexico welcomed the strengthening of the legal framework related to freedom of expression and the progress related to eliminate discrimination, including the establishment of a monitoring team and training activities.

108. Mongolia noted the constructive cooperation with the special procedures and commended Poland for the comprehensive measures it had taken aimed at preventing torture, improving the conditions in prison and enhancing the efficiency of the judicial system.

109. Montenegro called on Poland to enhance activities to eliminate the use of corporal punishment in schools, youth centres and alternative-care facilities, as reported by the Committee on the Rights of the Child.

110. The Netherlands welcomed the rejection in October 2016 of the draft amendments to the Act on Family Planning and the Penal Code. It emphasized the importance of consultations with the Venice Commission for the independence of the judiciary.

111. Norway recognized the efforts by Poland to fight discrimination and reminded Poland that an independent civil society was an important part of democratic societies.

112. Pakistan acknowledged the steps Poland had taken to ensure equal treatment and to combat discrimination and hate crimes, including the appointment of equal treatment coordinators in each ministry and the project called "migrants against hate crimes: how to enforce your rights".

113. Peru appreciated the collaboration of Poland with the special procedures, the decrease in the cases of preventive detention and the efforts to achieve equality among men and women, which should be reinforced.

114. The Philippines lauded the improvements in women's rights, particularly with the introduction of measures to prosecute ex officio sexual offences, such as rape or coerced sexual acts.

115. The Republic of Korea appreciated the appointment of equal treatment coordinators at each level of Government and the effectiveness of the new Foreigners Act. It also recognized the appointment of the Government Plenipotentiary for Civic Society.

116. The Republic of Moldova welcomed the appointment of the Government Plenipotentiary for Civic Society, the implementation of the National Action Programme for Equal Treatment and the appointment of equal treatment coordinators in public institutions.

117. Romania expressed its appreciation for the legislative and organizational measures to improve the conditions in prisons and noted that special attention had been paid to women's rights and gender equality.

118. The Russian Federation expressed concern about the violations by Poland of its international obligations regarding the protection of cultural rights and countering racism, and the elimination of a human rights task force in the Ministry of Internal Affairs.

119. The Under-Secretary of State thanked all the delegations that had participated in the interactive dialogue and gave assurances that Poland would analyse all the recommendations with a maximum of attention. She also indicated that Poland had signed and ratified a number of international human rights instruments since the second review and that implementing them fully remained a priority for Poland. In conclusion, she stated that the historical experience of the country, which had come a long way from socialism to democracy and free-market economy, served to confirm the fact that the highest human rights standards were and should remain the path of democracy. She gave her assurances that Poland would work to guarantee that its national norms in the field of human rights would conform to the most rigorous international standards.

II. Conclusions and/or recommendations

120. **The following recommendations will be examined by Poland which will provide responses in due time, but no later than the thirty-sixth session of the Human Rights Council:**

120.1 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Montenegro) (Spain);**

120.2 **Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Italy) (Philippines);**

120.3 **Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Philippines);**

120.4 **Conduct further steps towards the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Georgia);**

120.5 **Continue efforts to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Andorra);**

120.6 **Ratify, before the next review cycle, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Czechia);**

120.7 **Intensify measures and initiatives to support persons with disabilities and ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, which was signed in 2013 (Mongolia);**

120.8 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Albania) (Algeria) (Angola) (Bangladesh) (Honduras) (Kyrgyzstan) (Sri Lanka);**

120.9 **Sign and ratify the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families (Philippines);**

120.10 **Promptly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala);**

120.11 **Consider ways forward for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);**

120.12 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Albania) (Iraq);**

120.13 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and integrate it into national norms (Sierra Leone);**

120.14 **Finalize the procedure to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Montenegro);**

120.15 **Ratify, before the next review cycle, the International Convention for the Protection of All Persons from Enforced Disappearance (Czechia);**

120.16 **Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Estonia) (Slovenia);**

120.17 **Sign and ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Italy) (Philippines);**

120.18 **Promptly ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Guatemala);**

120.19 **Consider acceding to the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Andorra);**

120.20 **Consider acceding to the Convention relating to the Status of Stateless Persons (Bulgaria);**

120.21 **Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Australia) (Côte d'Ivoire);**

120.22 **Accede to and fully implement the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness in order to secure the basic rights of stateless persons and introduce a formal procedure to determine statelessness (Hungary);**

120.23 **Promptly ratify the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) (Guatemala);**

120.24 **Ensure comprehensive implementation of the international human rights instruments ratified during the past several years (Ukraine);**

120.25 **Adopt an open, merit-based selection process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);**

120.26 **Adopt the measures necessary to give full effect in the domestic legal order to the recommendations made by the Committee on Economic, Social and Cultural Rights (Uruguay);**

120.27 **Allocate the resources necessary to the Office of the Human Rights Commissioner (Timor-Leste);**

120.28 **Provide the Office of the Human Rights Commissioner with sufficient financing to fulfil its obligations (Norway);**

120.29 **Provide the Office of the Human Rights Commissioner with all the support necessary for it to exercise effectively its mandate (Serbia);**

120.30 **Provide the Office of the Human Rights Commissioner with the means necessary to enable it to carry out its mandate in a full, efficient and independent manner (Guatemala);**

120.31 **Enable the Office of the Human Rights Commissioner to receive and deal with complaints of victims of discrimination (Honduras);**

120.32 **Implement the recommendations made by the International Ombudsman Institute on its fact-finding mission to Poland with regard to the Human Rights Commissioner (Austria);**

120.33 **Establish an independent body that is authorized to receive complaints on violence and abuses by the police (Russian Federation);**

120.34 **Reinforce institutional and administrative measures, including the reestablishment of the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance (Mexico);**

120.35 **Consider the reestablishment of the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance (Peru);**

120.36 **Reinstate the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, dissolved in April 2016 (Chile);**

120.37 **Reinstate the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, or establish an alternative multi-stakeholder institution with the objective of further preventing discrimination and intolerance (Greece);**

120.38 **Reinstate the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance or create an alternative multi-stakeholder institution with the objective of preventing discrimination and intolerance, in all its aspects (Sierra Leone);**

120.39 **Consider either reinstating the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, or establishing an alternative multi-stakeholder institution with the objective of preventing discrimination and intolerance (Albania);**

120.40 **As a follow-up to the recommendations made in paragraphs 90.45, 90.46, 90.47, 90.48, 90.49, 90.57 and 90.60 of the report of the Working Group on the second review cycle of Poland (A/HRC/21/14), reinstate the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance, with a view to addressing racism in sport to demonstrate the authorities' seriousness in combating such prejudices, in full consultation with key stakeholders (Haiti);**

120.41 **Prevent and combat all forms of discrimination (Philippines);**

120.42 **Strengthen its fight against cases of violence, hate speech and discrimination (Bulgaria);**

120.43 **Strengthen efforts to prevent and combat all forms of discrimination, including by amending relevant legislation and launching awareness-raising campaigns (Italy);**

120.44 **Amend its anti-discrimination law in order to ensure that discrimination on any grounds is prohibited in all areas of life (Finland);**

120.45 **Take steps to ensure the acceptance and the general public knowledge of the existing law on anti-discrimination and to increase the practical use of the law (Sweden);**

120.46 **Improve further its non-discrimination legislation by criminalizing hate crimes on the grounds of age, disability, sexual orientation and gender identity, while taking the measures necessary to combat discrimination based on race, sex, nationality, ethnicity, religion or any other grounds (Brazil);**

120.47 **Amend the Penal Code to provide that crimes motivated by discrimination on any grounds, including disability, gender identity and expression and sexual orientation, are included in the Code and therefore can be investigated and prosecuted as hate crimes (Norway);**

120.48 **Harmonize the Act on Equal Treatment with the international human rights instruments ratified by Poland (Honduras);**

120.49 **Amend the Act on Equal Treatment in order to prohibit discrimination, in a comprehensive manner, including on the basis of sexual orientation and gender identity, in all areas and sectors, in particular taking into account access to education, health, social protection and housing (Mexico);**

120.50 **Extend its anti-discrimination laws and hate crime legislation to ensure equal treatment and broad protection for all from discrimination, regardless of sexual orientation and gender identity (United Kingdom of Great Britain and Northern Ireland);**

120.51 **Redouble efforts to combat racial discrimination, xenophobia and related intolerance (Angola);**

120.52 **Adopt further measures to address racism and support community tolerance (Australia);**

120.53 **Highlight in its next report the measures against perpetrators in combating racist crimes (Bangladesh);**

120.54 **Take measures to reduce the number of crimes committed based on xenophobia and racial intolerance (Russian Federation);**

120.55 **Review its Criminal Code to enhance punishment to combat racially motivated crimes (Republic of Korea);**

120.56 **Amend its Criminal Code, specifically to make the racial motivation of a crime an aggravating circumstance and to allow for enhanced punishment to combat the occurrence of such acts (South Africa);**

120.57 **Denounce publicly at the highest levels of Government anti-Semitic and other hate speech and acts, and support tolerance awareness-raising and training efforts (United States of America);**

120.58 **Take an active stance in combating and raising awareness against racism and intolerant political rhetoric and strengthen legal and other measures to address bias-motivated crimes (Turkey);**

120.59 **Ensure the effective enforcement of laws by which any party or organization that encourages or incites racial discrimination is declared illegal (Russian Federation);**

120.60 **Strengthen and continue the national measures to combat racism, xenophobia and hate crimes (Egypt);**

120.61 **Adopt a comprehensive national action plan against racism and adopt clear measures to combat effectively racially motivated violence (Botswana);**

120.62 **Strengthen legal and other measures to address bias-motivated crimes and ensure the prompt and effective prosecution of racist and xenophobic hate crimes (Islamic Republic of Iran);**

120.63 **Give the appropriate training to the Polish police and other public bodies responsible for victim support services to assist the victims of hate crimes (Ireland);**

120.64 **Take additional serious measures to combat xenophobia, hate speech and discrimination based on race, nationality, ethnicity and religion (Kyrgyzstan);**

120.65 **Develop effective law enforcement tools to monitor and prevent online hate crimes (Israel);**

120.66 **Continue to collaborate with sporting associations with a view to promoting tolerance and diversity (Algeria);**

120.67 **Establish awareness campaigns on discrimination against members of the Roma community (Timor-Leste);**

120.68 **Strengthen the legal framework and implement measures to combat racism and xenophobia and sanction hate crimes, in particular those against migrants in irregular situations (Chile);**

120.69 **Continue to strengthen measures to prevent discrimination and hate crimes, especially against migrants, through training and dissemination programmes on obligations and commitments on human rights (Indonesia);**

120.70 **Strengthen measures aiming at combating discrimination, racism and xenophobia in the country, notably against migrants, asylum seekers and the Roma community (Côte d'Ivoire);**

120.71 **Combat violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons (United States of America);**

120.72 **Amend the Criminal Code to provide that crimes motivated by discrimination on the grounds of sexual orientation or gender identity are investigated and prosecuted as hate crimes (Belgium);**

120.73 **Amend the Penal Code to provide that crimes motivated by discrimination on any grounds, gender identity and expression and sexual orientation, are investigated and prosecuted as hate crimes (Iceland);**

120.74 **Amend the Penal Code to ensure that lesbian, gay, bisexual, transgender and intersex persons are fully protected against discrimination, hate speech and hate crimes based on sexual orientation and gender identity (Canada);**

120.75 **Recognize civil unions between same-sex persons (Spain);**

120.76 **Strengthen the protection of individuals against discrimination, including based on sexual orientation or gender identity, inter alia, by allowing the legal status of same-sex couples, and in that regard pass a law on civil union or registered partnership (Czechia);**

120.77 **Strengthen efforts to protect lesbian, gay, bisexual, transgender and intersex persons against violence and discrimination, including by including sexual orientation and gender identity in hate speech provisions, by making provisions in law for same-sex civil partnership or marriage, and by making arrangements for the relevant Polish authorities to provide Polish citizens wishing to marry or otherwise register a same-sex relationship abroad with all necessary documentation (Ireland);**

120.78 **Consider to increase the level of official development assistance (Sierra Leone);**

120.79 **Strengthen the oversight of Polish companies operating abroad with regard to any negative impact their activities might have on the enjoyment of human rights, particularly in conflict areas, including situations of foreign occupation, where there are heightened risks of human rights abuses (State of Palestine);**

120.80 **Review counter-terrorism legislation and ensure that any interference with the right to privacy therein complies with the principles of legality, necessity and proportionality (Greece);**

120.81 **Consider incorporating in its legal order the definition of torture according to international standards (Peru);**

120.82 **Adopt measures to improve detention conditions in Polish prisons (Russian Federation);**

120.83 **Make further efforts towards improving the conditions in prisons and complying with relevant international standards (Romania);**

120.84 **Take into thorough consideration the recommendations of the Venice Commission in the process of elaborating national legislation (Ukraine);**

120.85 **Implement the recommendations issued by the Venice Commission and the European Commission with regard to the rule of law (Sweden);**

120.86 **Take measures to protect the independence and impartiality of the judiciary (Guatemala);**

120.87 **Ensure reform efforts respect and strengthen judicial independence and improve delivery of justice (United States of America);**

120.88 **Implement the recommendations of the Human Rights Committee regarding the full independence and impartiality of the judiciary (Belgium);**

120.89 **Take the measures necessary in the context of the judicial reform and the reform of the national judicial council to guarantee the separation of powers and the independence of the judicial system (Switzerland);**

120.90 **Uphold the independence of the judiciary, including by maintaining the procedures of nominations and promotions of judges by decisions of the judiciary in accordance with the Polish Constitution and international standards (Austria);**

120.91 **Respect the integrity and independence of the Constitutional Court (Chile);**

120.92 **Adopt the measures necessary to protect and preserve the independence of the Constitutional Court and implementation of its judgments (Spain);**

120.93 **Take immediate measures to restore the independence, integrity and effective functioning of the Constitutional Tribunal and its judges, including by amending pertinent legislation (Canada);**

120.94 **Ensure the independent functioning and decision-making of the Constitutional Court free from any political interference as a fundamental pillar of democracy, rule of law and human rights protection (Czechia);**

120.95 **Ensure the independence of the judiciary in order to safeguard the rule of law by taking immediate steps to ensure that the Constitutional Tribunal is able to deliver effective constitutional reviews (Denmark);**

120.96 **Guarantee, including within the draft constitutional reform announced on 3 May 2017, fundamental freedoms and the independence, integrity and efficiency of the justice system, in particular concerning the execution of the constitutional review (France);**

120.97 **Take into account the opinion formulated on 14 October 2016 by the Venice Commission of the Council of Europe on the Act on the Constitutional Tribunal (Switzerland);**

120.98 **Protect the independence of the judiciary; respect the opinions of the Venice Commission, the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights and the European Commission, especially regarding justice reform; and ensure that the independence of the Constitutional Tribunal and of judicial institutions is maintained (Germany);**

120.99 **Review and reform the Prosecution Office with a view to separating clearly the function of the Minister of Justice and Prosecutor General, in full consultation with key stakeholders (Haiti);**

120.100 **Restructure the Office of the Attorney General in order to separate the functions of the Ministry of Justice and the Attorney General with a view to further guaranteeing the independence of the Attorney General (Spain);**

120.101 **Ensure that any reform of the justice system takes place only after careful consultation with the representatives of the legal professions, and that it is in line with international standards of judicial independence described by, for example, the International Covenant on Civil and Political Rights, the Basic Principles on the Independence of the Judiciary and the advisory bodies to the Council of Europe, particularly the Venice Commission and the Consultative Council of European Judges (Netherlands);**

120.102 **Review its educational system so that grades obtained in Islamic religion are recorded on school certificates (Republic of Korea);**

120.103 **Reconsider, with regard to concerns raised by the International Holocaust Remembrance Alliance, legislation that restricts open and honest scientific research and that can serve to intimidate researchers (Austria);**

120.104 **Take decisive steps to decrease political control over State-owned media and to ensure independence of private and State-owned media (Sweden);**

120.105 **Guarantee freedom and independence of the media and ensure that rules regarding media ownership comply with European Union law (no discrimination and no retroactive legislation) (Germany);**

120.106 **Ensure that the implementation of its legislation in the field of media respects the independence and pluralism of the media, by, inter alia, applying the decision of the Constitutional Tribunal of 13 December 2016, which aims at restoring the competences of the National Broadcasting Council (Switzerland);**

120.107 **Promote the right of access to information by protecting the freedom of press and the use of mass communication (Holy See);**

120.108 **Guarantee the full right to freedom of expression, through amendments to laws adopted from 2015 that limit the independence of the media, undermine trust on its impartiality and, in anti-terrorism cases, could violate privacy (Mexico);**

120.109 **Guarantee freedom of expression and assembly, including by civil society organizations, notably in the context of public gatherings (France);**

120.110 **Repeal the restrictive amendments on the Law on Assemblies to restore full freedom of peaceful assembly, in keeping with Poland's international obligations (Canada);**

120.111 **Ensure a legal and financial framework that allows non-governmental organizations to operate (Norway);**

120.112 **Ensure a transparent and enabling environment for non-governmental organisations that allows them to benefit from available support and contribute to the development of a vibrant civil society (Austria);**

120.113 **Take concrete steps to enhance the broad and full participation of civil society in all political and societal life, by ensuring transparent distribution of NGO funding and by safeguarding that the freedoms of expression and association can, in line with the International Covenant on Civil and Political Rights, be exercised in practice, including by taking further steps to ensure prompt investigations of physical attacks and/or threats against civil society actors (Finland);**

120.114 **Take further steps to combat human trafficking (Armenia);**

120.115 **Ensure the effective implementation of the National Action Plan against Human Trafficking for the period 2016-2018 (Cyprus);**

120.116 **Continue the national efforts in the framework of the new National Action Plan against Human Trafficking to prevent and combat human trafficking and ensure the rehabilitation of victims (Egypt);**

120.117 **Consider introducing procedures for the identification of persons vulnerable to trafficking, strengthen the prosecution of perpetrators of human trafficking and further support the rehabilitation of victims (Serbia);**

120.118 **Reinforce the work already under way to tackle modern forms of slavery, by strengthening efforts to obstruct criminal networks and identifying victims of human trafficking (United Kingdom of Great Britain and Northern Ireland);**

120.119 **Continue to develop national mechanisms to combat trafficking in human beings, including by conducting a thorough investigation into reports of cases of human trafficking and by establishing a legal framework for the protection of child victims of human trafficking (Belarus);**

120.120 **Pay attention to prevention and protection measures that address the particular vulnerability of children to trafficking (Islamic Republic of Iran);**

120.121 **Strengthen actions to combat human trafficking, with an emphasis on prevention and protection measures that address the particular vulnerability of children to trafficking (Georgia);**

120.122 **Ensure that regulations pertaining to the right to privacy are in line with the principles of legality, necessity and proportionality. Establish an independent and effective oversight mechanism (Germany);**

120.123 **Review its procedures, practices and legislation to ensure that any interference with the right to privacy is consistent with international human rights standards, especially with the principles of legality, necessity and proportionality (Brazil);**

120.124 **Continue to protect the natural family and marriage, formed by a husband and a wife, as the fundamental unity of society, as well as the unborn (Holy See);**

120.125 **Ensure the implementation of all the provisions of the International Covenant on Economic, Social and Cultural Rights, within the national legal system (Iraq);**

120.126 **Ensure that all provisions of the International Covenant on Economic, Social and Cultural Rights are given full effect in its domestic legal order, and in that regard ensure the justiciability of those rights (South Africa);**

120.127 **Strengthen policies to counter the phenomenon of homelessness, especially among children, and put an end to it (Libya);**

120.128 **Ensure the full implementation of women's rights, in particular in relation to effective access to sexual and reproductive health and rights (France);**

120.129 **Ensure the protection of the right of women to have access to abortions and for women (and couples) to decide freely and responsibly the number, spacing and timing of their children (Australia);**

120.130 **Ensure that women are given the medical and professional services necessary to exercise their legal right to terminate a pregnancy, and ascertain that women have the right to decide over their own bodies (Sweden);**

120.131 **Ensure that women can have access to lawful abortions by creating clear, legally binding regulations for the implementation of the 1993 Family Planning Act (Norway);**

120.132 Ensure that safe and legal abortions are accessible in practice by creating clear, legally binding regulations for the implementation of the 1993 Act on Family Planning (Iceland);

120.133 Ensure that safe legal abortions are available and accessible in practice, in keeping with the 1993 Act on Family Planning and consistent with Poland's obligations under articles 12 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Canada);

120.134 Implement fully and effectively the judgments of the European Court of Human Rights on access to abortion (Iceland);

120.135 Implement fully and effectively the judgments of the European Court of Human Rights in the case of *RR v. Poland* and *P&S v. Poland* on the issue of women and girls' access to sexual and reproductive health care and services (Netherlands);

120.136 Expand the scope of the compulsory course on family life education to provide a comprehensive and age-appropriate education on sexual and reproductive health and rights and to ensure unimpeded access to sexual and reproductive health services, including to safe and legal abortions (Slovenia);

120.137 Take further steps for the elimination of discrimination against women (Republic of Moldova);

120.138 Continue its efforts to put in place improved solutions and legislation aimed at eliminating all forms of discrimination against women (Cyprus);

120.139 Undertake further governmental initiatives and projects aimed at comprehensively combating discrimination against women (Romania);

120.140 Continue its efforts to promote gender equality by focusing on the implementation of the National Action Programme for Equal Treatment (Pakistan);

120.141 Take further effective measures to combat violence against women (China);

120.142 Continue its efforts to prevent and eliminate all forms of violence against women (Timor-Leste);

120.143 Intensify its actions to combat violence against women and counter discrimination against women (Sri Lanka);

120.144 Adopt a comprehensive strategy aimed at preventing and eliminating all forms of violence against women (Republic of Moldova);

120.145 Continue its efforts to eliminate violence against women, including domestic violence (Philippines);

120.146 Harmonize its national legislation with the provisions of the Istanbul Convention (Bosnia and Herzegovina);

120.147 Harmonize its national legislation with the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Turkey);

120.148 Continue its efforts to combat violence, including violence against women, and adopt a comprehensive strategy aimed at preventing and eliminating all forms of violence against women (State of Palestine);

120.149 Strengthen the elimination of all forms of violence against women by criminalizing domestic violence and marital rape (Belgium);

120.150 Amend the Criminal Code to criminalize domestic violence clearly and implement a comprehensive strategy to eliminate all forms of violence against women (Sierra Leone);

120.151 **Work to address the issue of domestic violence in Poland and ensure support for victims (Australia);**

120.152 **Organize a national campaign to raise awareness on the specific needs of women victims of domestic violence and gender-based violence (Croatia);**

120.153 **Provide adequate and stable funding for legal, psychological and medical assistance and shelter for victims of domestic violence (Denmark);**

120.154 **Continue its good efforts to address violence against women and domestic violence, including by increasing support for victims of domestic violence (Latvia);**

120.155 **Provide adequate and stable funding for care centres and shelters for women and children victims of domestic violence (Chile);**

120.156 **Proceed with the implementation of the programme entitled "Prevention of Domestic Violence and Violence on the Grounds of Gender" (Israel);**

120.157 **Strengthen the protection of migrant women from gender-based violence (Islamic Republic of Iran);**

120.158 **Adopt measures to protect women's rights, including by strengthening of laws against sexual violence and ensuring the equal participation of women in political and public affairs (Botswana);**

120.159 **Continue to promote the participation of women in public and political life of the country (Bosnia and Herzegovina);**

120.160 **Take appropriate measures to strengthen the implementation of the 2011 Act on Support for Family and Alternative Care Systems (Pakistan);**

120.161 **Continue to reinforce actions aimed at the protection of children against violence and other forms of maltreatment (Bosnia and Herzegovina);**

120.162 **Ensure that all cases of sexual abuse of children are investigated and perpetrators prosecuted, and that victims are adequately compensated and rehabilitated (South Africa);**

120.163 **Take steps to ensure the acceptance and general public knowledge of the existing measures for the legal protection of children, in particular with regard to children with disabilities (Sweden);**

120.164 **Continue to improve the situation of persons with disabilities, including by accelerating the preparation of relevant strategies for 2017-2030, and start implementing them (Libya);**

120.165 **Accelerate the implementation of the Strategy for People with Disabilities for the period 2017-2030 to strengthen the task force on the support system for people with disabilities, their families and caretakers (Indonesia);**

120.166 **Continue its policies and measures for the promotion and protection of the rights of the national minorities (Armenia);**

120.167 **Guarantee the rights of education, health, housing and employment of Roma and other ethnic minorities (China);**

120.168 **Strengthen the policies and programmes aimed at giving the Roma population equal opportunities in the access to services (Peru);**

120.169 **Continue its efforts to better assist children of Roma origin to have access to quality education and therefore advance the integration of Roma (Hungary);**

120.170 **Strengthen efforts to provide preschool education for Roma children as a prerequisite for their equal access to further education without discrimination (Croatia);**

120.171 **Adopt concrete measures to strengthen the protection of migrants, refugees and asylum seekers (Guatemala);**

120.172 **Adopt the measures necessary to combat de facto and de jure discrimination against migrants in irregular situations (Uruguay);**

120.173 **Take urgent measures to investigate and sanction acts of discrimination against migrants, refugees and minorities, in particular by ensuring the protection necessary to those who report acts of discrimination (Argentina);**

120.174 **Guarantee the appropriate treatment of migrants in irregular situations and waiting for deportation from the country, including access to legal remedies (Russian Federation);**

120.175 **Continue to make efforts to protect migrant workers from all forms of exploitation and abuse, in particular those from the Democratic People's Republic of Korea, by improving their working condition in accordance with relevant international standards (Republic of Korea);**

120.176 **Guarantee basic services to the children of migrants in irregular situations, in particular in the areas of education and health (Uruguay);**

120.177 **Increase attention to the integration process for refugees (Islamic Republic of Iran);**

120.178 **Consider participating in further burden sharing programmes, such as the European Union refugee relocation scheme and the refugee quota system (Turkey);**

120.179 **Consider issues related to the access of asylum seekers, taking into account obligations under the international treaties (Belarus);**

120.180 **Take measures towards respecting fully the principle of non-refoulement when it comes to a foreigner's refugee status (Greece);**

120.181 **Prepare a draft amendment to the Foreigners Act prohibiting the detention of families with minors and unaccompanied minors for the purposes of return and asylum proceedings (Kyrgyzstan);**

120.182 **Take urgent measures in order that asylum-seeking children are not deprived of their liberty (Argentina);**

120.183 **Take measures to guarantee full access to education and health care for the most vulnerable persons, including refugees and asylum seekers (Holy See);**

120.184 **Continue its efforts to ensure due commemoration of the Holocaust (Israel);**

120.185 **Investigate thoroughly all acts of vandalism against graves and monuments of Soviet soldiers who perished in the fight against Nazi Germany and bring the perpetrators to justice (Russian Federation).**

121. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Poland was headed by H.E. Ms. Renata Szczech, Undersecretary of State, Ministry of Foreign Affairs, and composed of the following members:

- H.E. Mr. Piotr Stachanczyk, Ambassador, Permanent Representative of the Republic of Poland to the United Nations Office and other International Organizations at Geneva, Deputy Head of the Delegation;
- Mr. Wojciech Kaczmarczyk, Director of the Civil Society Department, Chancellery of the Prime Minister;
- Mr. Krzysztof Maslo, Director of the Department of International Cooperation and Human Rights, Ministry of Justice;
- Ms. Anna Widarska, Director of Mother and Child Department, Ministry of Health;
- Mr. Michal Zon, Director of the Legal Department, Central Board of Prison Service;
- Mr. Mariusz Cichomski, Deputy Director of the Public Order Department, Ministry of the Interior and Administration;
- Mr. Maciej Janczak, Deputy Director of the United Nations and Human Rights Department, Ministry of Foreign Affairs;
- Mr. Adam Krych, Deputy Director of the Analysis and Migration Policy Department, Ministry of the Interior and Administration;
- Mr. Piotr Rychlik, Deputy Director, Legal and Treaty Department, Ministry of Foreign Affairs;
- Mr. Jerzy Baurski, Deputy Permanent Representative of the Republic of Poland to the United Nations Office and other International Organizations at Geneva;
- Ms. Magdalena Lubelska, Head of Section, Bureau of the Head of the Office for Foreigners;
- Ms. Daria Wolosiuk, Head of Human Rights Section, Department of the United Nations and Human Rights, Ministry of Foreign Affairs;
- Ms. Agnieszka Karpinska, First Counsellor, Permanent Mission of the Republic of Poland to the UN Office at Geneva;
- Mr. Pawel Jaros, Judge, Chief Specialist, Department of International Cooperation and Human Rights, Ministry of Justice;
- Mr. Pawel Kaczor, Judge, Chief Specialist, Department of International Cooperation and Human Rights, Ministry of Justice;
- Mr. Przemyslaw Domagala, Judge, Chief Specialist, Department of International Cooperation and Human Rights, Ministry of Justice;
- Ms. Beata Sobieraj-Skonieczna, Prosecutor, Prosecution General;
- Mr. Zbigniew Wierzbowski, Prosecutor, Prosecution General;
- Mr. Jacek Lazarowicz, Prosecutor, Prosecution General;
- Ms. Anna Blaszczyk, Minister's Counsellor, Mother and Child Department, Ministry of Health;
- Ms. Wirginia Prejs-Iskrzak, Minister's Counsellor, Analysis and Migration Policy Department, Ministry of the Interior and Administration;
- Ms. Wieslawa Kostrzewa-Zorbas, Counsellor of the Chief of Chancellery of the Prime Minister;

- Ms. Iwona Przybylowicz, Border Guard Captain, Counsellor in the Board for Foreigners, National Border Guard Headquarters;
- Mr. Krzysztof Laszkiewicz, Plenipotentiary of the National Police Headquarters for protection of human rights, National Police Headquarters;
- Mr. Wojciech Deptula, Chief Specialist, Department of International Cooperation and Human Rights, Ministry of Justice;
- Ms. Joanna Maciejewska, Chief Specialist, Department of International Cooperation, Ministry of Family, Labour and Social Policy;
- Ms. Małgorzata Skorka, Chief Specialist, Department of Strategy and International Cooperation, Ministry of National Education;
- Ms. Maria Krainska, Senior Specialist, Department of the United Nations and Human Rights, Ministry of Foreign Affairs;
- Mr. Krzysztof Piotrowicz, Attaché, Department of the United Nations and Human Rights, Ministry of Foreign Affairs;
- Ms. Katarzyna Dziczkowska, Intern, Permanent Mission of the Republic of Poland to the UN Office at Geneva;
- Ms. Katarzyna Gorska-Lazarz, Interpreter;
- Mr. Mateusz Cygnarowski, Interpreter.